

Appl. No. 09/837,686
Amdt. dated September 16, 2004
Reply to Office action of June 17, 2004

REMARKS/ARGUMENTS

Applicant received the Office Action dated June 17, 2004, in which the Examiner: (1) rejected claims 1, 3-7, 10, 15, 18-21 and 26-28 as anticipated by U.S. Patent No. 5,854,945 ("Criscito"); (2) rejected claims 8, 16 and 29 as obvious in view of Criscito and U.S. Patent No. 5,280,283 ("Raasch"); and (3) rejected claims 11, 13-14, 22, 24-25 and 31 as obvious in view of Criscito, Raasch and U.S. Patent No. 6,167,462 ("Davis"). In this Response, Applicant amends claims 1, 15, 26 and 30. Also, Applicant adds claims 32-37. Claims 1 and 3-37 are pending. Based on the arguments and amendments contained herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

I. § 102 AND § 103 REJECTIONS

Amended claim 1, in part, requires "control logic [that] is configured to control the passage of data over the communication bus such that data is selectively diverted for use by the image scanner." Criscito does not teach or suggest this limitation. As shown in Criscito, a bar code scanner 60 may be "wedged" between a keyboard 14 and a computer 20a having a CPU (see Fig. 6). As described in Criscito, "the bar code scanner includes means for sensing whether an external keyboard is connected to the CPU, means for producing signals simulating the signals produced by an external keyboard, and means for supplying these simulated signals to the CPU when an external keyboard is not connected to the CPU" (see col. 3, lines 44-53).

The keyboard data ("KB data") described in Criscito is not "selectively diverted for use by the image scanner" as required in claim 1. Rather, Criscito teaches that the KB data is clocked when the scanner 60 senses that the keyboard 14 is connected, but is not clocked when the scanner 60 senses that the keyboard 14 is not connected (see col. 6, lines 61 - col. 7, lines 33). Therefore, the KB data is not "selectively diverted" as required in claim 1 because the clocking of the KB data is simply dependent on whether the keyboard 14 is present or not. If the keyboard 14 is not present, there would not even be any KB data to clock and "selectively" diverting data as required in claim 1 is not possible.

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Criscito does teach that the scanner 60 includes keyboard detect logic 62 that detects "completion code" signals that the keyboard 14 outputs "at the end of a start-up routine" (see col. 6, lines 53-60). However, the keyboard detect logic 62 does not selectively divert the completion code signals as required in claim 1. The keyboard detect logic 62 simply receives the completion code signals if they exist. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests "control logic [that] is configured to control the passage of data over the communication bus such that data is selectively diverted for use by the image scanner" as required in claim 1. For at least these reasons, Applicant submits that claim 1 and all claims that depend from claim 1 are allowable.

Amended claim 15, in part, requires "selectively diverting commands from the communication bus for use by the image scanner." For at least the reasons described previously, with respect to claim 1, Criscito does not teach or suggest the above limitations. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests "selectively diverting commands from the communication bus for use by the image scanner" as required in claim 15. For at least these reasons, Applicant submits that claim 15 and all claims that depend from claim 15 are allowable.

Amended claim 26, in part, requires "control logic [that] selectively permits input signals from the input device to be provided to the scanner to control the scanner." For at least the reasons described previously, with respect to claim 1, Criscito does not teach or suggest the above limitations. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests "control logic [that] selectively permits input signals from the input device to be provided to the scanner to control the scanner" as required in claim 26. For at least these reasons, Applicant submits that claim 26 and all claims that depend from claim 26 are allowable.

II. NEW CLAIMS

Claim 32, in part, requires a "scanner [that] is configured to pass keyboard commands to the computer and to selectively use keyboard commands to control

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a function of the scanner based on a user-controlled signal." None of the references cited by the Examiner, nor combinations of the references, teaches or suggests "a scanner configured to... selectively use keyboard commands to control a function of the scanner based on a user-controlled signal" as required in claim 32. For at least this reason, Applicant submits that claim 32 and all claims that depend from claim 32 are allowable.

III. CONCLUSIONS

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for new addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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